

cessor to Ecology within 14 days of the date of the city's decision. If Ecology denies or modifies the proposed amendment, the local government may appeal the decision to the Growth Management Hearings Board as provided in RCW 90.58.190. (Ord. 96-38, 1996)

16.12.410 Severability.

If any provisions of the master program, or its application to any person or legal entity or parcel of land or circumstances, is held invalid, the remainder of the master program, or the application of the provisions to other persons or legal entities or parcels of land or circumstances, shall not be affected. (Ord. 96-38, 1996)

16.12.420 Inspections.

Whenever it is necessary to make an inspection to enforce any of the provisions of this chapter or whenever the director has reasonable cause to believe that there exists in any building, or upon any premises, any condition which makes such a building or premises non-conforming, the director may enter such building or premises. If the building or premises is occupied, the director shall first present proper credentials and demand entry. If the building or premises is unoccupied, the director shall first make reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the director shall have recourse to every remedy provided by law to secure entry, including administrative search warrant. Enforcement of this chapter shall be in accordance with the provisions of Chapter 1.26 BIMC, Code Enforcement. (Ord. 96-38, 1996)

Chapter 16.16

NOISE REGULATIONS

Sections:

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16.16.050 Violation – Penalty.

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16.16.001 Declaration of policy.

The city council finds that inadequately controlled noise adversely affects the health, safety and welfare of the people, the value of property, and the quality of the environment. Therefore, it is declared to be the policy of the city to minimize the exposure of citizens to the harmful, physiological and psychological effects of excessive noise. It is the express intent of the city to control the level of noise in a manner which promotes use, value and enjoyment of property, sleep and repose, and quality of the environment and commerce. (Ord. 2001-04 § 1, 2001)

16.16.005 Definitions.

“Self-help housing program” means an affordable housing program sponsored by a nonprofit housing organization, which requires that an owner perform a certain percentage of construction labor, earning a portion of equity in the home. These programs are also known as “sweat equity” programs. (Ord. 2001-04 § 2, 2001)

16.16.010 Motor vehicle noise performance standards.

WAC 173-62-020, 173-62-030 and 173-62-040 are adopted by reference. (Ord. 75-13 § 1, 1975)

16.16.020 Maximum environmental noise levels.

WAC 173-60-020, 173-60-040 and 173-60-090 are adopted by reference. WAC 173-60-050 is also adopted by reference, except as to WAC 173-60-050(3)(a). (Ord. 2001-04 § 3, 2001; Ord. 75-13 § 2, 1975)

16.16.025 Limitation on construction activities.

The following noise limitations apply to construction activities in residential zones (Class A EDNAs):

A. Construction activities within residential zones or within 100 feet of residential zones shall be prohibited between the hours of 7:00 p.m. and 7:00 a.m. on weekdays that do not constitute legal holidays.

B. Construction activities within residential zones or within 100 feet of residential zones shall be prohibited before 9:00 a.m. and after 6:00 p.m. on Saturdays that do not constitute legal holidays.

C. Construction activities within residential zones or within 100 feet of residential zones shall be prohibited on Sundays and all legal holidays except that work on the inside of an enclosed structure may occur between the hours of 10:00 a.m. and 4:00 p.m.

D. For purposes of this section, "construction activities" means any site preparation, assembly, construction, erection, demolition, substantial repair, alteration or similar action on property, buildings, structures or utilities. "Construction activities" shall not include activities involving projects by homeowners for home improvements, maintenance or repair of residential structures, grounds and appurtenances or homeowners building their house under a self-help housing program, which activities shall continue to be governed by BIMC 16.16.020. (Ord. 2001-04 § 4, 2001)

16.16.030 Variance procedures.

A variance from the provisions of BIMC 16.16.020 may be granted by the planning commission. For any such variance, application shall be made in writing and upon forms provided by the city and no variance shall be granted for longer than 30 days, except after a

public hearing has been held. The planning commission may, in its discretion, hold a public hearing on any application when substantial public interest is shown. Any person may appeal the granting or denial of a variance by the planning commission by filing an appeal with the Pollution Control Hearing Board pursuant to Chapter 43.21B RCW under the procedures of Chapter 371-08 WAC. (Ord. 2001-41 § 4, 2001; Ord. 75-13 § 3, 1975)

16.16.040 Designation of zoned areas.

The EDNA (Environmental Designation for Noise Abatement) is established as follows:

A. Residential zones, Class A EDNA;

B. Commercial zones, Class B EDNA;

C. Industrial zones, Class C EDNA. (Ord. 75-13 § 4, 1975)

16.16.050 Violation – Penalty.

A. Violations – Unlawful. The violation or failure to comply with any provisions of this chapter is declared to be unlawful.

B. Civil Infraction. Any violation of any provision of this chapter is a civil infraction as provided in Chapter 1.26 BIMC for which a monetary penalty may be assessed. The monetary penalty shall be as follows:

1. If a person violates this chapter and has not committed a violation under this chapter at any location within the city in the two-year period preceding the most recent violation, a warning citation shall be issued but no monetary penalty shall be assessed.

2. If a person violates this chapter and has previously committed one or more violations under this chapter at any location in the city within the two-year period preceding the most recent violation, a citation shall be issued assessing a monetary penalty as established by city council resolution. (Ord. 2001-04 § 5, 2001; Ord. 75-13 § 5, 1975)

16.16.060 Enforcement and authority – Civil infractions.

The police department and the code enforcement officer shall be responsible for the enforcement of this chapter and are authorized to issue, serve and file notice of infraction in the manner set forth in Chapter 1.26

BIMC for violations of the provisions of this chapter. (Ord. 2002-10 § 1, 2002; Ord. 2001-04 § 1, 2001)

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